

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dale Williams, Sr.,

Civil No. 10-3041 (RHK/FLN)

Plaintiff,

ORDER

v.

Cal R. Ludeman and James Arneson,

Defendants.

Before the Court are Plaintiff's Objections to the May 25, 2011 Report and Recommendation of Magistrate Judge Franklin L. Noel. After a de novo review of the objected-to portions of the Report and Recommendation, the undersigned concludes that Judge Noel's findings and recommendations are fully supported by the factual record before him, his recommendations are supported by controlling legal principles, and Plaintiff's Objections are without merit.

Accordingly, and upon all the files, records, and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objections (Doc. No. 39) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 38) is **ADOPTED**;
3. Defendant Cal R. Ludeman's Motion to Dismiss (Doc. No. 11) is **GRANTED**;
4. Defendant James Arneson's Motion to Dismiss (Doc. No. 16) is treated as a motion for summary judgment and is **GRANTED**; and
5. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 28, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge